

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Day Management Corp. dba)	
)	
Day Wireless Systems)	
)	File No. EB-FIELDWR-13-00011324
Licensee of Station WNX421)	
)	
Issaquah, Washington)	NOV No. V201432980001
)	

NOTICE OF VIOLATION

Released: October 31, 2013

By the Acting District Director, Seattle Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),¹ to Day Management Corp. dba Day Wireless Systems, licensee of radio station WNX421 in Milwaukie, Oregon. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On August 8, 2013, an agent of the Enforcement Bureau’s Seattle Office monitored radio station WNX421, transmitting on frequency 464.150 MHz, located at Tiger Mountain, Issaquah, Washington, and observed the following violation:

- a. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” At the time of the on-scene investigation on August 8, 2013, the station WNX421 transmitter was repeatedly transmitting a digitally modulated signal on 464.150 MHz, a frequency shared with another licensee, WPSP372 in the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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Puget Sound area. These digital transmissions continued without breaks for several hours, preventing the effective sharing of the frequency with the other licensed user, WPSP372.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Day Management Corp. dba Day Wireless Systems must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Day Management Corp. dba Day Wireless Systems to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Day Management Corp. dba Day Wireless Systems with personal knowledge of the representations provided in Day Management Corp. dba Day Wireless Systems's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Seattle District Office
11410 NE 122nd Way, Suite 312
Kirkland, Washington 98034

6. This Notice shall be sent to Day Management Corp. dba Day Wireless Systems at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION



Leo Cirbo
Acting District Director
Seattle Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).